



**ZIONSVILLE TOWN COUNCIL
MEETING MEMORANDA
FOR**

Monday May 7, 2018 at 7:00 PM
Zionsville Town Hall Council Chamber
1100 West Oak Street

Date of Preparation: May 11, 2018

Members Present: Josh Garrett, President; Bryan Traylor, Vice-President; Jason Plunkett, Tom Schuler, Kevin Spees, Elizabeth Hopper, and Susana Suarez

Also Present: Tim Haak, Mayor; Ed Mitro, Deputy Mayor; Heather Willey, Town Attorney; Amy Lacy, Director of Finance & Records and Town Department Staff.

1. OPENING

- A. Call meeting to order
- B. Pledge of Allegiance

2. APPROVAL OF THE MEMORANDUM OF THE APRIL 16, 2018 REGULAR MEETING (copy posted).

COUNCIL ACTION: Councilor Hopper moved to approve the Memoranda of the April 16, 2018 Town Council Meeting. Councilor Spees seconded the motion.

The Memoranda of the April 16, 2018 meeting was approved by a vote of seven in favor, zero opposed.

3. DEPARTMENTAL APRIL MONTHLY REPORTS – Reports are submitted by the Town Management staff for Council review and posted on the Town website (www.zionsville-in.gov).

4. REQUEST TO SPEAK

Zionsville resident Carolyn Schiferl spoke in opposition to item #6B, stating that she had sent an email to all Council members expressing her disapproval of the proposed rezone. She asked that Council not certify the favorable recommendation sent by the Planning Commission.

Zionsville resident Clay Barnes spoke in opposition to item #6B, stating that he had sent an email to all Council members expressing his disapproval of the proposed rezone. He asked that Council not certify the favorable recommendation sent by the Planning Commission.

Zionsville resident Vicki Westbrook spoke in opposition to item #6B, stating that she had sent an email to all Council members expressing her disapproval of the proposed rezone. She asked the Council to consider delaying a decision so neighboring residents may obtain more information and a better proposal might be developed.

Zionsville resident Tom Peters spoke in opposition to item #6B.

Zionsville resident C. Max Schmidt spoke in opposition to item #6B.

Zionsville resident Matt Stump spoke in opposition to item #6B, asking that the matter be tabled or denied.

Zionsville resident Kevin C. Schiferl spoke in opposition to item #6B, stating that he had submitted a five-page list of questions regarding the rezone to President Garrett.

Emails are attached.

5. OLD BUSINESS - None

6. NEW BUSINESS

- A. Consideration of an Additional Appropriation Resolution from the Local Road and Bridge Matching Fund of \$964,445.94 to utilize Grant and Special Distribution LOIT funding to fund various 2018 street projects **RESOLUTION #2018-05 (PUBLIC HEARING)**.

With Proof of Publication for a Public Hearing noted, President Garrett opened the Public Hearing for comment.

With no public comment, President Garrett closed the Public Hearing.

Street and Stormwater Superintendent Lance Lantz presented the Resolution, explaining that this was the final step to allow spending of the money from the state grant funds and local matching funds.

COUNCIL ACTION: Vice-President Traylor moved to approve Resolution #2018-05. Councilor Schuler seconded the motion. Resolution #2018-05 was approved by a vote of seven in favor, zero opposed.

- B. Consideration of a Zone Map Change Ordinance to rezone approximately 15 acres from the Urban (R-SF-2) Residential Zoning District to an (SU-7) Special Use Zoning District. **ORDINANCE # 2018-04**

Director of Planning and Economic Development Wayne DeLong gave an overview of Ordinance #2018-04, stating that the ordinance was being presented to Council with a favorable recommendation of 5-1 by the Plan Commission.

Director DeLong answered questions from the Council. He explained that if Council were to approve the ordinance it would be an approval of the rezone only, not the development. He explained that the petitioner was still required to appear before the Plan Commission and the Board of Zoning Appeals. Lengthy discussion followed.

Councilor Schuler asked if it were possible to continue the matter in order to allow more time for the neighboring residents to gather more information and discuss the project with Pulte. Attorney Heather Willey explained the process if a continuance were to be granted.

At Councilor Suarez's request, Attorney Matt Price, representing Pulte Homes and Little League International, answered further questions from the Council.

COUNCIL ACTION: Councilor Spees made a motion to continue consideration of Ordinance #2018-04. Councilor Schuler seconded the motion. Councilor Hopper stated that as a member of the Zionsville Local Organizing Committee she would recuse herself from the vote.

By roll call vote:

Councilor Spees: Yea

Councilor Traylor: Yea

Councilor Schuler: Yea

Councilor Plunkett: Nay

President Garrett: Nay

Councilor Suarez: Nay

Councilor Hopper: Abstain

With a tied vote, Attorney Willey advised there would be no action on the Ordinance until the next meeting unless another motion were made. Council discussion followed. Attorneys Price and Willey answered questions from the Council.

President Garrett made a motion to adopt Ordinance #2018-04 on final reading. Councilor Suarez seconded the motion.

By roll call vote:

Councilor Plunkett: Yea

President Garrett: Yea

Vice-President Traylor: Yea

Councilor Suarez: Yea

Councilor Spees: Nay

Councilor Schuler: Nay

Councilor Hopper: Abstain

Ordinance #2018-04 was adopted on final reading by a vote of four in favor, two opposed and one abstaining.

7. OTHER MATTERS

There were no other matters to discuss.

8. APPROVAL OF CLAIMS

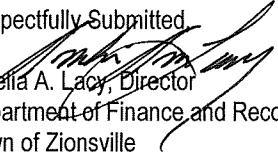
COUNCIL ACTION: Councilor Suarez moved to approve claims as presented. Councilor Plunkett seconded the motion. Claims were approved by a vote of seven in favor, zero opposed.

9. ADJOURN

COUNCIL ACTION: Councilor Hopper moved to adjourn the meeting and Councilor Schuler seconded the motion. The motion was approved by a vote of seven in favor, zero opposed.

The next regular Town Council meeting is scheduled for Monday May 21, 2018 @ 7:30 AM in the Zionsville Town Hall Council Chambers.

Respectfully Submitted,


Amelia A. Lacy, Director
Department of Finance and Records
Town of Zionsville

Amy Lacy

From: Josh Garrett
Sent: Monday, May 14, 2018 8:42 AM
To: Amy Lacy
Subject: FW: Docket No 2018-10-Z

From Carolyn Schiferl.

Joshua Garrett | Town Council – District 5

Town of Zionsville
1100 W. Oak Street
Zionsville, IN 46077
Office 317.873.5130

jgarrett@zionsville-in.gov | www.zionsville-in.gov

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From: The Schiferls [mailto:zschiferls@gmail.com]

Sent: Sunday, May 06, 2018 5:17 PM

To: Josh Garrett <JGarrett@zionsville-in.gov>; Jason Plunkett <JPlunkett@zionsville-in.gov>; Tom Schuler <TSchuler@zionsville-in.gov>; Kevin Spees <KSpees@zionsville-in.gov>; Susana Suarez <SSuarez@zionsville-in.gov>; Bryan Traylor <BTraylor@zionsville-in.gov>; Elizabeth Hopper <EHopper@zionsville-in.gov>

Subject: Docket No 2018-10-Z

Dear Councilors,

My name is Carolyn Schiferl and I reside at 8552 E 550 S, Zionsville, Indiana. I am adjacent to 58 acre parcel that includes the SU-7 rezone on your Monday, May 7, 2018 Agenda.

As I stated in a previous email, I have grave concerns about this project. The lack of interest and discussion shown at the April 16th Plan Commission Meeting with regard to the remonstrator's concerns was heart breaking to me as a tax paying citizen of this community which I dearly love. Having been informed of this project weeks AFTER it had already been formally submitted to the town left me little time to gather facts about the project. The more questions I asked of the town staff and the petitioner, disdain and negativity for my inquiries became apparent. Since the part of the project which had been discussed publicly did NOT resemble the petition, I had to start asking questions.

The Petitioner, Pulte Homes, states that the development proposal includes a traditional residential subdivision AND the facilities of the Little League International Central Region Headquarters. How then, can the rezone request discussion be *LIMITED to just the Little League portion?*

With regards to the rezone, why aren't facts required to substantiate the rezone? Specifically, how much money is the town spending to bring LLI here? What are the facility use expectations, specific parking determination and analysis, traffic impact, safety impacts, lighting and noise analysis to name a few things I believe the town should KNOW prior to voting on a SPOT REZONE! What precedent will this set for future rezone requests? If someone on the town staff considers a rezone "favorable" based on ideology rather than facts, then the public can expect that nowhere is safe from a spot rezone in the town's jurisdiction. I believe the town spent considerable time and money putting together a COMPREHENSIVE PLAN that was supposed to protect the basic characteristics of the town.

I am formally requesting that you do NOT CERTIFY the #2018-10-Z proposal on Monday night until ALL THE INFORMATION necessary to make a decision can be considered.

Summary of my concerns with the WHOLE PROJECT:

1. At first look, Pulte Homes is graciously donating eighteen acres of land to LLI. ***But this "GIFT" comes with strings attached.***

a. The thirty some homes which would have been on the donated land are SQUEEZED into the remaining acreage, this action already "approved" by the town staff. Pulte still makes its \$\$\$ on the same number of homes it would of had otherwise , while already receiving a tax benefit for the "donation."

b. The utilities the developer would have to bring to the site at its own expense are brought BY THE TOWN instead. (\$\$\$)

c. The Traffic Study required with any rezone is put aside by the town. Again (\$\$\$) savings for the developer. (Is this really a risk the town wants to incur in the future? Just take a look at 875E by Pearson Tennis center on any given Saturday to get an idea of the mess that will occur when the LLI facility is in use. Very dangerous.)

d. The adjacent .8 mile of roadway will not be required to be improved by the developer per the town. Again, a considerable (\$\$\$) savings for the petitioner. (Mayor Haak stated on May 2nd at a public meeting that each mile of roadway construction costs over a million dollars. Quite a savings for Pulte again.)

e. The requested Open Space offset releases the developer from the cost of maintenance and upkeep since it will be owned by a different entity, LLI, again yet another (\$\$\$) cost savings for the developer due to its' "donation."

2. ***Three sides of this RSF2 parcel are zoned RURAL!*** The Comprehensive Plan calls for "Transitional Buffering" when zone changes are adjacent. How are less than one quarter acre lots transitional to adjacent 7.53 average lot sizes on three side of the new development?

3. This rezone will NEGATIVELY impact the value of the adjacent property. Please take the time to drive out to the site! Absorb the feel and character of the area. The proposed development flies in the face of the town's own RSF-2 zoning. The "scheme" of allowing an Open Space offset with a differently zoned, separately owned, only gives the developer back the donated value of the land and even more in additional allowances by the town. Without the open space requirement being met in a cluster neighborhood, the entire area is degraded in aesthetics and character. This is bad for the home values in our neighborhood and bad for Zionsville on the whole.

4. Let's be real here. Calling a separately owned, separately zoned parcel of land "OPEN SPACE" for any parcel adjacent to it is wrong. The whole point of requiring open space in a cluster neighborhood is to have the overall feel of the neighborhood THE SAME as a RSF-2 grid neighborhood which inherently has OPEN SPACE on its lots since they are larger and only allows twenty percent of the lot buildable.

I would be happy to speak to any of you should you need clarification on any of these points. Thank you for your service to the town. It is appreciated.

Sincerely,

Carolyn Schiferl
317-710-7878

Amy Lacy

From: Josh Garrett
Sent: Monday, May 14, 2018 8:40 AM
To: Amy Lacy
Subject: FW: Town Council Proposal No. 2018-10-Z

From Clay Barnes.

Joshua Garrett | Town Council – District 5

Town of Zionsville

1100 W. Oak Street

Zionsville, IN 46077

Office 317.873.5130

jgarrett@zionsville-in.gov | www.zionsville-in.gov

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From: Clay Barnes [mailto:clabar@mpicorp.com]
Sent: Monday, May 07, 2018 1:01 PM
To: Josh Garrett <JGarrett@zionsville-in.gov>
Subject: Town Council Proposal No. 2018-10-Z

Dear Josh,

I am writing to ask you to reject Proposal No. 2018-10-Z at tonight's Town Council meeting. I live at 8573 E 550 S, which is directly across the street from the proposed Pulte development that has been linked to Little League International Midwest Headquarters project. I want to be clear that I am not opposed to the LLI project or the use of the land for its headquarters. I am also not opposed to residential development on that property or in our broader neighborhood that is largely zoned rural. There are several homes being built right now in our area and I'm excited to welcome our new neighbors into the neighborhood. I am, however, opposed to the proposed zoning variances for Pulte's benefit at the expense of ours. In addition, I am opposed to what feels like an absence of consideration or accommodation for the legitimate concerns our neighborhood has about the projects in what appears to be a fast track process.

You may or may not know that our neighborhood is full of large lot homes averaging roughly 5 acres in size (excluding any owned farmland) surrounded by active farm fields. The proposed Pulte development that would be put right in the middle of the neighborhood contains lots ranging from 0.19 acres to 0.28 acres with an average lot size of less than ¼ of an acre. The contrast is stark and completely contradicts your own open space subdivision ordinances and provides no transitional development that the Zionsville Comprehensive Plan requires. My neighbors and I are concerned, among other issues, about the substantial shift in aesthetics of the neighborhood, the additional traffic on already overburdened roads and the resulting effect on property values of the proposed variances. We bought our land, built our home and continued to invest in our property under the assumption that you would preserve the zoning requirements of the area. To pass this proposal would fly in the face of what you have committed to do as our representatives. Moreover, tying the LLI opportunity to a Pulte development that doesn't meet our community standards may buy Zionsville some media exposure and economic impact and will most certainly enrich Pulte and Bank of Lizton, but it will be at the expense of my neighbors and family in property value and lifestyle. It is akin to taxing us alone as a neighborhood for something that is intended to benefit the entire community. It would be far fairer to jettison the Pulte deal, buy the property in total, sell the excess land in parcels for development within zoning requirements and issue a bond and related tax increase for any net expense not recovered so that all of Zionsville can bear the burden ratably of the LLI project. I trust you will consider the impact on us in the same way that you would want others to consider the impact of a similar project done by outsiders on your neighborhood.

I own and run a middle market company that has done lots of acquisitions over the course of time. The media splash when we close a deal is fun and exciting. When we fail to properly plan and execute, however, those same deals that look so promising early become ongoing disasters. The fast track process of the LLI looks and feels to me a lot like those poorly planned acquisitions. Beyond the property value effect mentioned above, have you considered the effect on roads, which were built to rural county road standards, not for heavy traffic? Have you considered the flow of traffic especially on game days given that the only current interstate access is at the SR 334 exit of I-65? Have you considered overflow parking and getting people safely from parking to the ballpark? Have you planned for the need for non-existent turning lanes, road shoulders, sidewalks, bike paths, etc. and have you planned for the land necessary to build those additions especially in light of the setback variance request from Pulte? Have you considered how the area will look when our visitors get their first impression of our community? I could continue, but I think you get my point. Unfavorable impressions, traffic snarls, wrecks, injured people or worse will erase much of today's excitement and will be much more difficult to fix in the future. I have seen no evidence to date that extensive planning especially on traffic has been done. Please make sure you allow for the time to properly vet and plan for this project including asking the neighborhood for its input. Even if you choose to pass the project, doing proper planning will make sure that what is intended to be an exciting addition does not turn into an ongoing disaster for our neighborhood and community.

Thank you for your consideration. I look forward to your vote tonight and hope you will stand with the people who elected you and are now living in our beloved community.

Best,

Clay

Clay T. Barnes
President & CEO
clabar@mpicorp.com



MPI CORPORATION
3500 DePauw Boulevard, Suite 1090
Indianapolis, Indiana 46268
Office: [317-803-3020](tel:317-803-3020) / Cell: [317-727-5263](tel:317-727-5263)
www.mpicorp.com

Amy Lacy

From: Josh Garrett
Sent: Monday, May 14, 2018 8:40 AM
To: Amy Lacy
Subject: FW: in reference Monday 5/7/18- 8602 E. 500 South rezoning/Pulte Homes

From Vicki Westbrook.

Joshua Garrett | Town Council – District 5

Town of Zionsville

1100 W. Oak Street

Zionsville, IN 46077

Office 317.873.5130

jgarrett@zionsville-in.gov | www.zionsville-in.gov

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From: vickis email [mailto:vbwest8292@aol.com]
Sent: Monday, May 07, 2018 11:54 AM
To: Josh Garrett <JGarrett@zionsville-in.gov>
Subject: in reference Monday 5/7/18- 8602 E. 500 South rezoning/Pulte Homes

Hello Mr. Josh Garrett,

My name is Vicki Westbrook, address 8292 E. 550 South. I have lived in Zionsville since 1986, have had kids in the little league and have volunteered as a coach, I organized the referees for Softball for 3 seasons and also worked many hours in the concession stand. I love the Little League. And my kids have gone to the elementary, middle schools and High school here in Zionsville. We are committed to Zionsville and have been for 32 years, since 1986. We have built 3 homes in neighborhoods and have followed ALL of the rules every time we have built a home. And we have also paid thousands of dollars in taxes over those 32 years.

What I am writing about today is in regards to an item on your Town Council meeting for this Monday, May 7th 2018. There are several reasons for asking this but I would like to ask for you to vote to NOT Certify this rezoning request for 8602 E 500 South.

As a homeowner just down the street from this property, I have many concerns with the traffic that will be added to our already congested road. There are times when I cannot pull out of my driveway because of the current traffic and conditions of our road, 550 South and that is mainly from the soccer fields traffic and current residence utilizing this road. By requesting a rezoning of this property east of my property, that is going to add additional hardship and safety issues for my family on our street.

It is my understanding that there is still a lot of information that has not been received or analyzed yet that should happen **before** this would move forward to a stage of getting a rezoning approved.

My questions /concerns that need to be decided BEFORE you approve a rezoning of this property are;

- 1- **The Council needs to have a completed traffic study** to determine the effect it has on the current area in a 2 mile radius. There are many neighborhoods and properties this will affect. If you have the traffic from the Little League PLUS the additional traffic for the adjoining neighborhood that they are sliding in on the coat tails of this rezoning, there is MUCH more they should be looking into. If Pulte is proposing adding 78 more homes to a very small piece of property, that is at least 156+ NEW DRIVERS every day on our roads to consider PLUS the Little League traffic. Our roads are chip and seal not well maintained roads so these would all have to be improved to take on this traffic and to make sure it is safe for those additional 78 homes with children they would be bringing. With average of 2.3 kids per home that would be approximately 180+ new children to consider the SAFETY of with all of this additional traffic!

- 2- **How much is this going to cost the town of Zionsville** to pay for the water and sewers that they are apparently going to run/install for the Little League? I have found out that it has not been determined yet. If this is substantial, which we have been told it is, then how many years of the Little League existing on this property will it take to justify paying for running these utilities? Will it need to be amortized over 10 years, 20 years? **By then, will the Little league even still be here in Zionsville?** Also, what about the road improvements? Who is going to pay for that? Again does the town of Zionsville have the funds to pay for improvements on 500 s, 550 South, 875 E where all of the traffic will be coming from?
- 3- **What value is the Little league property the other 11 months of the year?** We have found out that the little league property will be locked up year round. If a company wants to "rent" the property for a Company function they can do that for an outing. Otherwise it will not be available for kids and families to just walk over to the fields and play whenever they want. There would be too much liability on the Little League to have this open for all to play. If anyone gets hurt they would have a legal nightmare that they don't want. So locked doors until its rented out. **So not a family friendly place for all to use year round.** Families will still have to go to Lions park to play, not at this facility.
- 4- **This rezoning getting approved without following the Town of Zionsville Ordinance rules (as EVERY OTHER PROPERTY OWNER AND LAND DEVELOPER HAVE DONE) will set a bad Precedent on all future request for zoning approval.** They will state that 8602 500 S, DID NOT, have to adhere to the Town of Zionsville Zoning Ordinance so neither do we.... You are really opening a can of worms if you let this go thru this way. The property owners on 875 adjacent to this property, who are just now building new homes have had delay after delay from the town for very little issues. Its seems you were having them stick to the rules for building just 5 homes. Now, right across the street you are pushing this rezoning without following the proper steps which are in place so that the future of Zionsville is in keeping with the areas surrounding this property.
- 5- **My last point is I keep hearing that this approval is "Just for the Little League property"**. If that is true can you please explain to me why in the Petition that you have in your hand states on the third line down first thing listed is, **"Proposed Use of Property:" Single Family residential...** then it says "Little League International Central/Region Headquarters & Ball Fields". If this was a separate issue then the Petition should just show this rezoning going thru for JUST the Little League property and not have listed "Single-Family residential" on it too. Very deceiving, misleading and disappointing for this to be aligned like this.

So in closing, I am very disappointed and disillusioned about how this is being handled. I think that everyone on the committee who wants to bring this "Little League Regional Headquarters" to Zionsville are **so consumed with the fame of it all** they have just **"Fallen in Love with the Deal"** (which any businessman or builder would tell their co-workers to NOT do) and are so blinded and not really grasping the concept of **about how much this will cost the town for all of the concessions they are making. (ie; bringing in Sewers, water, road construction tax breaks etc.)**

Zionsville has no hotels for the guest to stay during the tournaments (this will go to Whitestown), Zionsville has limited restaurants, (Most will go to Whitestown because they can handle larger crowds and families) and access from the interstate will bring them from the west not thru Zionsville. So 3/4's of the money spent by the visitors will most likely go to Whitestown not to Zionsville. So recouping our cost will take longer and be difficult to do in a short period of time.

*Please take all of this into consideration when this matter comes up on your agenda tonight. I would really appreciate it if this can be rejected or at least delayed so that a more intelligent study of the area can be done, and also I hope that you will all please get back to adhering to the ordinance that was set in place to keep things like this from happening! Thank you so much for your consideration and attention to this plea for stopping or at least the reconsideration of this as it is currently laid out. I am assuming that you have not been told or thought of all of these concerns prior to hearing this docket item so I hope this helps you take all facts into consideration.

If you have any questions please feel free to email or call me at any time.

(317) 590-4947

Thank You so much for listening!

Vicki

Vicki Westbrook
8292 E. 550 South

Zionsville, IN 46077

Amy Lacy

From: Josh Garrett
Sent: Monday, May 14, 2018 8:41 AM
To: Amy Lacy
Subject: FW: Pulte Request to Rezone

From Matt Stump.

Joshua Garrett | Town Council – District 5

Town of Zionsville

1100 W. Oak Street

Zionsville, IN 46077

Office 317.873.5130

jgarrett@zionsville-in.gov | www.zionsville-in.gov

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From: Matt Stump [mailto:stumpy73@yahoo.com]

Sent: Monday, April 30, 2018 11:18 PM

To: Josh Garrett <JGarrett@zionsville-in.gov>; Bryan Traylor <BTraylor@zionsville-in.gov>; Kevin Spees <KSpees@zionsville-in.gov>; Tom Schuler <TSchuler@zionsville-in.gov>; Elizabeth Hopper <EHopper@zionsville-in.gov>; Susana Suarez <ssuarez@zionsville-in.gov>; Jason Plunkett <JPlunkett@zionsville-in.gov>

Subject: Pulte Request to Rezone

Dear Council Members –

My name is Matt Stump. I have been an Eagle Township resident for 15 years. I am currently building a new home on 6.5 acres at 5301 South 875 East. Soon you will be voting on issues related to a new Pulte Homes subdivision near the intersection of CR 550 South and CR 875 East. I write to you this evening to voice my opposition to the development.

The issue at hand is the rezoning of an R-SF-2 district to Special Use SU-7. The request to rezone was recently passed at a Plan Commission meeting without meeting the ordinance requirements related to a traffic study. This issue was brought to the Commission's attention prior to the vote, and was waived off by Wayne DeLong as not being a requirement because of intended traffic control during sanctioned events at the planned Little League facility. I am unable to locate a stated waiver, pass, or variance in the ordinance requiring a traffic study prior to rezoning in any material available on the Town's website. This area is very congested already due to the residential growth in the area. To reinforce the traffic concern, the Town received a traffic study produced by Beam, Longest and Neff in November, 2015 indicating options to alleviate congestion in the area.

Please know that I am a supporter of Zionsville Little League. I have children that currently play in the ZLL system. I was, and remain a supporter of bringing the Little League headquarters to Zionsville. I support having Little League at the corner of 500 South and 875 East.

However, my support ends there. The crux of my concern is the coupling of the Little League plan to a residential plan placing as many as 78 residential lots on +/- 40 acres. This development is being piggy backed on the desire and community emotion to have the Little League headquarters here in Zionsville. In short, the Little League concern is being levered to grant a publicly traded developer free reign to place a development in an R-SF-2 district, across the street from an R2 district, with

density that can't be found elsewhere in Zionsville. Further, this issue is being fast tracked, predominately out of the public eye, to avoid scrutiny and remonstrance. Pulte Homes intends to use 3 or more acres of open space, ultimately owned and fenced in by Little League, to offset their proposed density. While Pulte has publicly noted that they are donating this land to Little League, they omit that they will only do so if their density demands are met.

I am asking that you reject this rezone request until a proper traffic study has been performed, and until the residential component of this area is decoupled from the 18 acres related to the Little League project. Frankly, to propose this type of density on a parcel that is completely surrounded by homes on 3 or more acres, does not meld with the Comprehensive Plan of Zionsville or the character of the area. Levering an issue such as Little League for the gain of a publicly traded developer does not coincide with the character of Zionsville.

To remove doubt, please know that I am not opposed to residential development on this parcel. I believe that a less dense development would be a win for the area, a win for the developer and a win for Zionsville.

Please contact me directly for further discussion on this very concerning matter. My cell phone number is (317) 697-6242.

Thank you for your time.
Matt Stump

Amy Lacy

From: Josh Garrett
Sent: Monday, May 14, 2018 8:43 AM
To: Amy Lacy
Subject: FW: Pulte/Little League.

From Kevin Schiferl.

Joshua Garrett | Town Council – District 5

Town of Zionsville

1100 W. Oak Street

Zionsville, IN 46077

Office 317.873.5130

jgarrett@zionsville-in.gov | www.zionsville-in.gov

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From: Schiferl, Kevin C. [mailto:kschiferl@fbtlaw.com]
Sent: Sunday, May 06, 2018 12:42 PM
To: Josh Garrett <JGarrett@zionsville-in.gov>
Cc: The Schiferls <zschiferls@gmail.com>
Subject: RE: Pulte/Little League.

Josh:

Hope you are able to enjoy this nice (finally!) weekend. As I type this I am enjoying a quiet pre-church Sunday morning coffee myself, contemplating how nice it is that I am alive, in a nice community where I was able to raise my kids safely, and mostly have only to deal with “first world problems” which, while seemingly important at times, also detract from the pursuit of love and peace. In the end, I’ve determined that love and peace are obtained through honesty and forthrightness with one another and that is my end—to be an “honest broker”, fully transparent, and seeking to sow the seeds of understanding through being sure all are operating from a common set of facts BEFORE decisions are made.

Thank you for your email below. It is unfortunate that you have determined, based upon a third hand representations no less, that there has been a “threat of litigation” and that actually meeting would be unproductive. To the contrary, my neighbors and I (many of us longtime residents and taxpayers) have consistently attempted to seek information from town officials, Pulte, and Little League on a situation we first learned about on March 24, 2018, but to no avail. Now your email erects a further artificial barrier to that exchange. I intend no “informal deposition” as you’ve stated, but do desire learning what information you may be aware of that we are not and vice-versa. On the vice-verse part, ask me anything and I will honestly answer and provide you with facts—even paperwork if needed. In any event as you’ve limited me to email correspondence presently, please accept this admittedly lengthy one which I do hope will spark additional questions for you and your fellow Town council members

I must initially observe that I am not sure why it is that I and my neighbors are somehow viewed as “enemies” or adverse to what should be the Town’s democratic process. This Town, which we all love and made considerable financial and emotional investments in, is ours. We merely seek a truthful and honest dialogue. And, in particular, a contemplative, non-rushed, decision-making process with all the cards known and on the table for all.

Recently, the Town Council voted down the Wolf Run rezone petition with comments that there had been little dialogue with affected neighbors, with voiced encouragement that this be something that should occur. I, and my neighbors, agree with these sentiments, and note that the proposed rezone on the table now is a “Wolf Run

redux". None of us were made aware of the petition for rezone until after it was filed, with my wife and I first becoming aware of it on March 24. We've learned, however, that the rezone proposal was known to the town officials and staff—our servants (and not those of out-of-town developers or entities)—at least six months prior (Oct, 2017). In fact, before Little League International (LLI) announced its selection of Zionsville for its relocation of its central division headquarters from Indy's eastside, town staff and officials (including specifically the Mayor) knew that another location at ZSC property had fallen through and that the LLI HQ would have to rely upon a private developer with a pledged "donation" contingent upon a rezone and the private developer then being allowed to unprecedently trade-off its "donation" (for which it will no doubt claim a tax exemption and also then rendered the "donated" land tax exempt too) for off-setting open space requirements for a proposed residential development, thus making it far denser than otherwise allowed. So, question one: why was there no public disclosure that the Town's push for LLI's regional HQ—paid for in part by Town tax dollars—was dependent upon a deal with a private developer bringing with it a new residential development (and one with a proposed density unlike that that existing anywhere else in Zionsville, let alone in an area surrounded on three sides by rural classification zoning)? Wouldn't that have been an important fact to share with the community? (Consider how the silence on this contrast with the irony of the "Zionsville is Community" pitch materials paid for in part by our tax dollars!)

Turning to a few points of information still not known/clarified:

1. TRAFFIC STUDY. In your conversation with one of our neighbors, he advises you represented that, and I am paraphrasing, "Kevin Schiferl is wrong about the need for a traffic study". As it is hoped is known, the area of the proposed rezone—an RSF-2 peninsula surrounded by rural zoning on three sides, is serviced by country roads which were determined over a decade ago in other actual submitted traffic studies to be deficient.

In this regard, I have thoroughly reviewed the Town's ordinances and the entire Town file on the re-zone petition. The Ordinance indicates a traffic study—to be submitted by the petitioner-- is required on a rezone with direction then afforded to review and apply the traffic study impact rules promulgated by INDOT's "Traffic Analysis Study" guide. However, none was submitted—contrary to any other rezone petitions of which I am aware from my 10 plus years of service on the Boone County and then Zionsville Plan Commissions. If one is not required, then can someone please explain why not—that information hasn't been provided or detailed, despite request for the same. That is, perhaps there is something of which we are not aware, but absent a full and frank provision of information there is no ability for us citizens to determine anything more than what we read and have experience with.

If the position is that one is not required, then shouldn't the basis for this belief be documented or obtainable? It was suggested at the ZPC that there was some "commitment" by the petitioner for a police officer directing traffic or something to that affect and some vague reference to a non-written or disclosed arrangement for ancillary parking with a shuttle bus, but that doesn't replace a traffic study. Indeed, a traffic study specifically takes in a described radius of an area an accounts for more than just a cop directing traffic immediately adjacent to a facility. Further, such a commitment is not in any paperwork accompanying the rezone petition or its consideration—there is absolutely no statement that (1) one wasn't required nor (2) any known traffic engineer sign-off/stamp claiming this position. When the issue of no traffic study was raised before the ZPC, it was of significant concern that not one commissioner questioned the absent of one nor did any staff detail the basis for there not being a need—instead there was merely a statement by the petitioner's counsel and then the town planner that one allegedly wasn't required.

Moreover, even if one assumes that one is not "required", why would any public official nonetheless not request one or want to see one where what is being proposed is two stadiums with thousands of visitors and their accompanying vehicles and occupants (many of them children)? Even if not required, reasonable prudence would seem to mandate one being submitted by the petitioner (this is not an expense the town should bear, but the developer seeking the rezone) given the proposed use and the known previous traffic studies on other development proposals in the area (including by the same petitioner a mere four years ago) showing numerous road deficiencies which my neighbors and I can personal bear witness to having not improved as time marches

on even without the present proposed development being taken into account. Bear in mind, again, traffic is just not that immediately adjacent to the proposed use, but the roads and intersections that those travelling to the proposed site utilize in getting there (was the represented oral commitment for “traffic cops” going to cover these other roads and intersections—and who is bearing this expense?).

In the end, while I do presently maintain a traffic study is required, I certainly am willing to learn and listen how I might have arrived at an incorrect conclusion, but there has been no explanation ever provided to me or my neighbors who are already living on country roads long ago determined to be “deficient” by actual traffic studies (I have them all dating back to the mid-2000s if you’d like to see them). You have my pledge, like yours to me, that I will respectfully listen and consider any such information you can provide on this issue and would appreciate receiving it in advance of Monday evening’s meeting as I would hope you’d agree that having common operative facts and information is imperative and receipt of it at a meeting when it hasn’t been previously provided isn’t fair.

2. “IT’S THE REZONE ONLY” POSITION. It is understood you have taken a position that the discussion Monday night at the Town Council meeting will be, and again I am paraphrasing from what my neighbor advised, “limited to the SU-7 rezone issue”. Of course, if this is incorrect, please do correct me.

I am not sure what this fully means, but the petitioner (Pulte—and by the way, LLI is not the petitioner) itself included in its submission information on an accompanying residential development—one that it publicly and privately has stated is dependent upon the rezone so it can then seek to get offsets for otherwise required open space requirements in what will be the remaining RSF-2 portion of the parcel on which it is seeking its rezone. It is a FACT that the rezone is inextricably tied to the dense residential development it proposes; on this, the developer’s law firm has so stated in correspondence with the Town which I will happily provide if there is any doubt on the position Pulte itself has stated. The rezone is the first domino it wishes to fall: in this regard, is it not important to the Town Council and our fellow citizens to know the ramifications of the decision you are being asked to make—here a “forever” decision of rezone which will necessarily affect not only immediately adjacent neighbors, but also set a precedent for future proposed developments?

Moreover, if the position on “limiting discussion to the rezone issue” is meant to quash discussion of anything related to the dense residential development proposed by the petitioner making the rezone request, then doesn’t fairness dictate that the decision itself by the Town Council be limited to the rezone? That is, let’s truly unbundle the two—make your decision limited to the rezone by making clear that, if granted, the rezone of a portion of the parcel to SU-7 stands alone and that any such rezoned land cannot be utilized by any person or entity to affect differently zoned land. In other words, adopt express language in on the rezone petition before you, to the effect of “No portion of the rezoned land may be utilized in any fashion by any party for seeking relief from the zoning rules and ordinances of any adjoining land of a different zoning classification”.

The heart of the very issue on the table is the disingenuousness of what the petitioner, aided by the Town staff and Mayor without any discussion or consideration of the existing neighbors, is advancing by suggesting that the re-zone “stands alone”. If it were only that simple. But, if they, you, and the Town Council are going to take that position, then be consistent. If it “stands alone” then make it indeed stand alone by preventing its use for other purposes being pursued now or in the future. Not only would this be the honest, moral and ethical approach, it also establishes a clear precedent that residential developers can’t buy a density otherwise not allowed within a zoning classification by:

- (1) “donating” some portion of a parcel under its control and seeking to have its use rezoned;
- (2) claiming a tax deduction in the process;
- (3) making the donated portion of the parcel come off our tax rolls forever;
- (4) with the donation then under a separate ownership and control and fenced/secured from public access by that owner:

(5) yet sought to be employed by the developer for offsets within the remainder of a parcel of a different zoning classification on which it (a) seeks to develop to extract a profit it otherwise could not if it had to comply with the existing zoning rules and ordinances applicable to the non-SU-7 zoned property alone, (b) thereby affecting the adjoining property owners in the process

If it is indeed the rezone only, then there should be no issue with the petitioner or Town Council accepting an amendment that, "No portion of the rezoned land may be utilized in any fashion by any party for seeking relief from the zoning rules and ordinances of any adjoining land of a different zoning classification" In fact, while I can't speak for all my neighbors on this point, I dare say that opposition to the rezone sought would largely melt away as there would be a clear pronouncement of the uncoupling of the rezone from the intended residential development and the proposed residential development would then have to proceed—like every other proposal in our town—taking in to consideration only the actual zoning of the parcel seeking to be residentially developed and not differently zoned adjoining land.

3. RSF-2 ZONING—WHAT IT IS AND WHAT IT AIN'T: I also understand, despite your position that the meeting Monday will be on "rezone only" (as per above) that you shared in your conversation with my neighbor that there are other areas with residential development in RSF-2 zones as dense as that proposed in the remainder of the Pulte parcel outside of the area proposed for re-zone. If this is incorrect, please advise.

My wife, a trained engineer, has spent considerable time at the Town Hall and on the GIS system examining this very issue. Also, my neighbors and I have taken note of the list within the town ordinances of all other RSF-2 zoned subdivisions. Perhaps things were missed, but if you could please share with us where these locations you rely upon for your statements that other equally dense residential developments exist in Zionsville we would then have common facts to compare. Even then assuming you can provide such information, do any of them abut rural zoning classifications (thus triggering the comprehensive plan's requirement that there be transitional buffering and less dense subdivisions as we move from town center outward)? Did any of them require variances on setbacks? Did any of them have mostly (or any) 50' lot widths? Did any of them rely upon claimed open space exemptions/variances premised upon claiming allowances from differently zoned abutting parcels?

Again, we have repeatedly asked for this information, but other than antidotal comments we've not seen or been provided with it. Further, I have offered to take anyone who desires on a drive throughout our town so that these allegedly existing developments can be shown and learned from. Indeed, we have even asked Pulte to show us similar density developments in central Indiana and its has been unable to do so. Even the Pulte developments in adjoining Whitestown (complete with their lovely vinyl clad sides!) are not at a density or setback like that which is being sought on the RSF-2 portion of the parcel here in Zionsville.

In closing on this point, let's work off common and readily measurable facts and not mere antidotal comments. I await this information from you.

4. ECONOMICS. A very important piece of information remains wholly unknown and undisclosed—despite numerous requests for it. Again, if you can point me to where it might have been missed I will stand corrected.

It has been represented by various comments of Town officials in the press and elsewhere that the LLI regional HQ will result in an "economic impact" of 1.5 (or even an alleged 2 million) annually. The basis for this claim is apparently antidotal information—and, even then, has been recognized to be more of a "regional" impact rather than one to Zionsville alone. But, let's break this down—what this number represents is the expenditures of visitors for hotel rooms (Z'ville has none so this \$ goes elsewhere), food (much of will go to the Whitestown restaurants and which, regardless of where it occurs, has its associated supply and labor costs, with some margin then accounted for) and misc. items like gas, etc... Of this antidotal sum there would be taxes paid too—mostly

sales tax to the state. In other words, very little actually flows to Zionsville (again, if this is incorrect, please do correct me). This is not akin to a tax-paying corporate HQ situation.

Moreover, as I hope you know as a businessman (and Town Councilman) yourself, there also needs to be a look at the “cost” of this supposed “economic impact”. First, what are the hard costs that the Town is devoting to the project? It is understood the town is providing a sewer hook-up and some other infrastructure, but nowhere have we citizens been apprised of that sum despite asking. Indeed, as of a few weeks ago on a direct answer to that very question the answer provided was “we are still calculating that amount”—really? This also raises the point of why would the town ever provide sewer hook up to a private residential developer’s project instead of making it bear that expense?; is this a new tool and will it be something other developers can/should expect in the future for the Town to do (bring your residential development here—we will help pay for it!) ?

Next on the “cost” side of the equation, this “economic impact” even if accurate, comes at the expense of FOREVER removing the rezoned parcel from our tax rolls. Moreover—and this is important—if there is no rezone then the land remains RSF-2 and approximately 30 (or perhaps more) homes could be built on that portion (look at the rejected Pulte proposal for this very parcel of land from four years ago), and if we conservatively assume in present day dollars the amount of annual taxes for such houses, the actual dollars flowing into the town and school coffers easily exceed the alleged “economic impact” being suggested.

It is hoped that this economic issue is looked at from ALL sides, but there is no—NONE—information which has been made publicly available as to either the calculation of the alleged impact or its costs (setting aside the emotional costs to neighbors and the likely diminishment of value of present adjoining parcels) Again, I welcome any information you can point me and my neighbors to in this regard.

5. BEHIND CLOSED DOOR DEAL MAKING. Lastly, though some aspects are addressed in the comments above, there is the issue of transparency and provision of information to neighbors and citizens by Town officials and staff. Again, not once in any public pronouncement prior to Pulte’s filing of its rezone and BZA petitions was it ever made known to neighbors or our community that the pitch—which our tax dollars helped pay for and which many of us (including my wife and I and many of our neighbors) supported—if landed, would be dependent upon the involvement of a private residential developer. Yet, it is documented in town documents that this was known and shared among the town’s elected officials and staff as far back as October 2017 WITHOUT ONE WORD TO THE COMMUNITY OR NEIGHBORS. In other words, when Mayor Haak appeared on Indiana Business and in other media discussing the LLI project and how it was going to be a “showcase” he knowingly did so mindful of the fact that the proposed “showcase” (his words, not mine) was accompanied by a proposed residential development supported by Zionsville paid for provision of sewer and infrastructure which was unknown to anyone outside a small handful of town officials, staff and little league insiders.

Worse yet, it is also documented that Town officials and staff were meeting and discussing this development prior to any public filing. And, I am not just speaking of the usual pre-filing discussions on technical aspects of submissions. There are communications of over six months before any filing by the Mayor (and indeed before LLI’s relocation decision was even announced) made without any consideration for the adjoining neighbors who he supposedly serves, in which he suggests a rezone and that the “town would sponsor it” all but assuring its passage. There are also documented pre-filing meetings specifically coordinated by town staff with members of the Plan Commission and the BZA to outline what was intended and what would be filed. On this point, in my service on the Boone County (member then president) and the Zionsville Plan Commission (member) I can tell you in no uncertain terms that I never held or heard of meetings being conducted pre-filing, let alone pre-public hearing, with individuals who would be voting on proposals. Was this made known to the public or you and the other Town Council members? And, if so, where was the reciprocal outreach by the town officials or staff to the community, in particular the community of adjoining neighbors?

The entire LLI rezone and accompanying Pulte proposed dense development has apparently—we are just now discovering despite being stonewalled in seeking information—been in the works for months. Yet, my neighbors

and I, all of us current citizens and taxpayers, are being asked to learn what we can and obtain information on something we just learned about less than a month and half ago after an initial contact that—unlike the courtesy which has been provided to voting members of the ZPC and BZA—came only after a public filing. In fact, many of my “DeRossi” neighbors haven’t even still been contacted by Pulte despite its attorney being the same person who represented them without so much as uttering a word that their substantial investments might be affected by a proposed development he was simultaneously working on for Pulte across the street. Are we not entitled to learn information, have a common basis of fact, and not have rush to a decision which will forever affect not only us but our community? Isn’t that only fair?

Josh, in closing, while I am disappointed that you are unwilling to have a discussion on this very important (but still “first world problem”), I do accept you at your word that you will read and consider these comments. I would ask, after you review the above that I hear back from you on my questions, even hopeful that you will reconsider your “no discussion/email only stance” (my cell is below). Further, I have no issue with your sharing this entire email exchange with your fellow council members and your making this entire email exchange part of the formal submitted record; please do, as I will in fact be sharing it in full with my neighbors.

PS—to re-iterate my “vice versa” comment, if you need any information from me on anything I outlined above, I will be happy to provide it—that is, I am an open book, and I can support every statement made with facts.

Kevin C. Schiferl

Attorney at Law | Frost Brown Todd LLC

317.237.3819 Direct

317.460.0068 Mobile

kschiferl@fbtlaw.com

From: Josh Garrett [<mailto:JGarrett@zionsville-in.gov>]

Sent: Friday, May 4, 2018 6:28 PM

To: Schiferl, Kevin C. <kschiferl@fbtlaw.com>

Subject: RE: Pulte/Little League.

Kevin,

I did speak with one of your neighbors earlier today. We started a productive conversation allowing me to understand some concerns, unfortunately ended with a threat of litigation.

I also am aware that Kevin Spees attended your neighborhood meeting last night, which was also met with the threat of litigation by yourself. This is in addition to the litigation threats made by yourself and wife during meetings with the Mayor and Town Staff.

I am always happy to meet with any resident about concerns they may have regarding any issue, however I feel our meeting would only serve as an informal deposition and not have any productive outcome, and therefore would not be a good use of time.

I will read any further concerns that you choose to email me on the SU-7 rezoning agenda item, it may spark additional questions that myself and fellow Councilors have for Town Staff. In addition, I will respectfully listen all comments made by yourself and any other remonstrators that would choose to speak during our Monday evening meeting.

Enjoy your weekend.

Josh

Joshua Garrett | Town Council – District 5

Town of Zionsville

1100 W. Oak Street

Zionsville, IN 46077

Office 317.873.5130

jgarrett@zionsville-in.gov | www.zionsville-in.gov

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From: Schiferl, Kevin C. [<mailto:kschiferl@fbtlaw.com>]

Sent: Friday, May 04, 2018 12:48 PM

To: Josh Garrett <JGarrett@zionsville-in.gov>

Subject: Pulte/Little League.

Josh:

I understand you have spoken to some of my neighbors. I, too, would like to do so. Can you please let me know when we can do so before Monday. Thank you.

Sent from my iGizmo/ThingeeMcBob

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